



150 Cherry

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Where ever we go we control
the city we are the city
of the future

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COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, JANUARY 27th, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
January 20th, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 150 Cherry Street (Rep. District #3)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated September 15th, 2003. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Juan & Maria Flores, 2033 N. 18th Avenue Apt. #9, Melrose Park, IL 60160-1245 on September 24th, 2003 and Juan & Maria Flores, 218 Hughes Avenue, Lockport, IL 60441 on November 12th, 2003.
- 3) Certified notices of the public hearing scheduled January 27th, 2004 were mailed to the owners and all interested parties on December 30th, 2003.
- 4) There are no taxes owed.
- 5) There has been communication with the owner; however, there has been no action in securing the building.

The Department recommends that it be found:

- 1) That the main structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be repaired; and
- 5) That the main structure be secured within 30 days and maintain secure; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days and maintain the premises clean.

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27th day of January, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at ~~150 Cherry Street, in El Paso, Texas, which property is more particularly described as:~~

Lot: 5, Block 8, Cedar Grove Park Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 6, Page 28, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Juan Flores and Maria Flores, 150 Cherry Street, El Paso, Texas 79915, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in ~~Subsection 18.52.040 (3) pursuant to State law.~~

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- i) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- ii) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- iii) the Owners may be confined in jail as permitted by state law and;
- iv) appoint a receiver as permitted by state law.

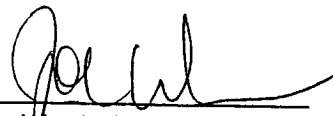
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 22nd day of December, 2003.

THE CITY OF EL PASO




Joe Wardy, Mayor

ATTEST:



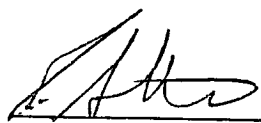
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P. E.
Director for Building Permits and Inspections

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
September 23, 2003

Juan & Maria Flores
2033 N. 18th Ave. Apt. 9
Melrose Park, IL 60160-1245

Re: 150 Cherry St.
Lot: 5
Blk: 8, Cedar Grove Park
Zoned: R-3
COD03-14297
Certified Mail Receipt #
7003 1010 0004 5304 2398

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:

150 Cherry Street

- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 150 Cherry Street has the following violations:

- a. The floors have not been maintained in a safe manner.
- b. The walls have not been maintained in a safe manner free of holes and cracks.
- c. The plumbing system is inadequate and does not meet minimum code requirements.
- d. The electrical system is inadequate and does not meet minimum code requirements.
- e. The HVAC system is inadequate and does not meet minimum code requirements.
- f. The structure is open and accessible to unauthorized entry.
- g. The premises are full of weeds, trash, and debris.
- h. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within thirty (30) days from receipt of this letter.
- i. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated, secured, repaired or demolished as per Sec. 18.52.040.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

150 Cherry Street

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

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Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in cursive script that reads "Wayne Fannin".

Wayne Fannin
Building Inspector

WF/rl

7003 1010 0004 5304 2398

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here <div style="text-align: center; font-size: 2em;">WF</div>
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Juan & Maria Flores 2033 N 18 th Ave. Apt. 9 Melrose Park, IL 60160-1245 Re: 150 Cherry St.	

PS Form 3811, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: *WF*

Juan & Maria Flores
 2033 N 18th Ave. Apt. 9
 Melrose Park, IL 60160-1245
 Re: 150 Cherry St.

2. Article Number
 (Transfer from service label)

7003 1010 0004 5304 2398

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Francisco Flores* ☐ Agent ☐ Address

B. Received by (Printed Name)

C. Date of Delivery *9/30/03*

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

JOE WARDY
MAYOR



CITY COUNCIL

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CERTIFIED MAIL RECEIPT #7003 1010 0004 5306 5168

150 Cherry Street

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FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink that reads "Wayne Fannin". The signature is written in a cursive, flowing style.

Wayne Fannin
Building Inspector

WF/rl

7003 1010 0004 5306 5168

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only. No Insurance Coverage Provided)	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)	WF Postmark Here NOV 12 2003
Juan & Maria Flores 218 Hughes Ave. Lockport, IL 60441 Re: 150 Cherry St.	

PS Form 3811, June 2002

See Reverse for Instructions

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Juan & Maria Flores
 218 Hughes Ave.
 Lockport, IL 60441
 Re: 150 Cherry St.

LT #3

2. Article Number

(Transfer from service label)

7003 1010 0004 5306 5168

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Maria P. Flores* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

11/17/03

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: September 30, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector *JR*

SUBJECT: Condemnation Report

RE: 150 Cherry St. 79915

An inspection of the property was conducted on September 30, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:
N/A

SECTION 9.04.340 - ACCUMULATIONS:
Of garbage and tall vegetation were seen.

SECTION 9.16 - NUISANCE:
N/A

SECTION 9.16.010 - DESIGNATED:
N/A

SECTION 9.28 - RAT CONTROL:
The structure is decaying and completely open. This condition serves as a potential vermin harborage. Evidence of neighborhood kits using the property was noted.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

CITY OF EL PASO
OCT 06 2003
Received Building Svcs



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 9/15/2003

REP. DISTRICT: 3

ADDRESS: 150 Cherry Street

ZONED: R-3

LEGAL DESCRIPTION: Block 8, Cedar Grove Park; Lot: 5

OWNER: Juan & Maria Flores
Melrose Park, IL 60160-1245

ADDRESS: 150 Cherry Street Apt. 9,

BUILDING USE: Open and Abandoned Single Family Dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Reinforced Concrete

CONDITION: Unable to determine due to the footing being under ground level. Will need to hire a structural engineer to evaluate the actual condition of the footing.

FOUNDATION WALL: N/A
CONDITION:

FLOOR STRUCTURE: Concrete slab on grade

CONDITION: No visible signs of structural deficiency noted because floor is covered with carpet or vinyl floor covering. A structural engineer needs to be hired to determine the actual condition of the floor structure.

EXTERIOR WALLS: Concrete Mortar Units (CMU)

HEIGHT: 8 feet

THICKNESS: 8 inches

CONDITION: Good – Will need a Registered Building Contractor to evaluate and submit a report on the condition of the exterior walls. There are no signs stress cracks.

INTERIOR WALLS & CEILINGS: 2" x 4" wood studs with stucco finish

CONDITION: Good – There are no signs of stress cracks at this time, however, a building contractor will be needed to repair walls due to vandals and vagrants entering the property and vandalizing the interior walls.

ROOF STRUCTURE: 2" x 6" wood rafters with 1" x 6" sheathing and roof shingles
CONDITION: Needs minor repair and maintenance.

DOORS, WINDOWS, ETC.: Wood framed doors and casement windows
CONDITION: Doors will need repairs or replacement; windows will need repairs and glass replacements for broken panes.

MEANS OF EGRESS: N/A
CONDITION:

PLUMBING: Water is off – unable to inspect. A licensed plumber must be hired to evaluate the plumbing system and make the required corrections.

ELECTRICAL: Power is off. A licensed electrician must be hired to evaluate the electrical system and make the required corrections.

MECHANICAL: All HVAC systems must be evaluated by a licensed mechanical contractor and make required corrections.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: No

BARRICADED: No

POLICE AID REQD.: No

REMARKS: Vagrants and drug users are using this open and abandoned single-family dwelling as a place of harborage. They are slowly vandalizing the interior of the property. I recommend that the building be secured and maintained secured and that the premises be cleaned of all trash, weeds and debris.



Wayne Fannin
Building Inspector

ACCOUNT C30199900801300
UNITS:01 05 06 07 08
FLORES, JUAN & MARIA
2033 N 18TH AVE APT 9

AMT DUE AS OF: 20040120 ROLL R ALT OWN
OMIT(-)/SEL(+)
8 CEDAR GROVE PARK
LOT 5
(6675.75 SQ FT)

MELROSE PARK	IL 60160-1245								
ACRES	.1533	PARCEL ADDRESS	150 CHERRY ST						
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEES	PAYMENTS	TOTAL	DUE	
2003	39227		1186.46	12/17/2003		1186.46		.00	
2002	39227		1172.52	12/30/2002		1172.52		.00	
2001	39227		1154.76	12/19/2001		1154.76		.00	
2000	45070		1299.91	11/30/2000		1299.91		.00	
1999	45070		1293.05	12/29/1999		1293.05		.00	
1998	45070		1328.44	12/31/1998		1328.44		.00	
1997	45070		1273.73	12/30/1997		1273.73		.00	

TOTAL .00 .00 .00

LAST PAYOR FIRST AMERICAN R.E. TAX SVC. PAGE TOTAL .00

CUMULATIVE TOTAL .00

ENTER NEXT ACCOUNT